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DATE: March 12, 2002

FILE NO.: 41822.2

TO: Jim Boyle

FROM: Glen E. Schumann

COMPANY: Finnegan, Henderson et al.

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March 12, 2002

VIA FACSIMILE

Mr. Jim Boyle
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.
1300 I Street, NW
Washington, DC 20005

**Re: Assignment and Declaration from Mr. Ekhaus
Our File No. 41822.2**

Dear Jim:

I have reviewed your proposed Declaration and Assignment with Mr. Ekhaus. We have adopted some of your proposed changes to the Assignment, and we are prepared to deliver an executed Assignment to you in the form attached. However, because Mr. Ekhaus firmly believes that he may not be the "first, original inventor" of anything contained within the application, and because Mr. Ekhaus has not had the opportunity to fully review the application to the degree that makes him comfortable with what is contained therein, Mr. Ekhaus is only willing to sign the Declaration which we recently proposed for signature, with the addition of your language related to the existence of an invention. (See proposed copy attached.)

If these documents are sufficient for your purposes, Mr. Ekhaus will promptly execute them and we will forward them to you for immediate delivery. If these documents are not acceptable, please accept this letter as confirmation on behalf of our client that he believes he is not in a position to execute the Assignment and Declaration as you have proposed.

Please advise as to your intent. Thank you.

Sincerely,



Glen E. Schumann

GES/cag

Enclosures

492404/1

BETIRED
JAMES H. HENNESSY
STANLEY H. SHAGEL
PATRICK F. FLAHERTY
WAYNE A. HERGOTT
MICHAEL L. FLANAGAN
PAUL VAN VLIETENBURG
W. SCOTT HENZOG
PAUL G. NEIMANN
WILLIAM N. RUSTER

JOINT INVENTION
(Worldwide Rights)
Attorney Docket No. 7744.0061

ASSIGNMENT

As used herein, the term "invention" consistent with 35 U.S.C. § 100(a) and the use of the term "invention" in the below-identified application, is not intended by the below signing inventor(s) to be a representation as to the patentability or validity of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom. The below signing inventor(s) believe that any decision as to the patentability or enforceability of any claim, pending or issued associated with the below-identified application, or associated with any divisional, continuation, or reissue applications derived therefrom in the United States rests with the United States Patent and Trademark Office, or any body or court of competent jurisdiction.

WHEREAS, I/We, the below named individuals, hereinafter referred to as the inventors or, hereinafter referred to as Assignors, have made what could be an invention entitled:

METHOD AND SYSTEM FOR HIGH PERFORMANCE MODEL-BASED PERSONALIZATION

for which I/We executed an application for United States Letters Patent concurrently herewith or filed an application for United States Letters Patent on June 25, 2001 (Serial No. 09/887,528); and

WHEREAS, Net Perceptions, Inc., a corporation of Minnesota whose post office address is 7700 France Avenue South, Edina, Minnesota 55435 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this "invention" in all countries throughout the world, and in and to the application for United States Letters Patent on this "invention" and the Letters Patent to be issued upon this application;

NOW, THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration, the receipt of which from Assignee is hereby acknowledged, I/We, as Assignor(s), have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the Assignee, its lawful successors and assigns, my/our entire right, title, and interest in and to this "invention", to the extent such rights exist, together with provisional application Serial No. 60/213,528, filed June 23, 2000 (if any), and this application, and all divisions and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of the above provisional application (if any), as well as all rights to claim priority on the basis of this application, and all applications for Letters Patent which may hereafter be filed for this "invention" in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and I/We hereby consent/authorize and request to the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this "invention" to Assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I/WE HEREBY covenant that I/We have the full right to convey any/the interest I may have in and to any invention that may be assigned by this Assignment, and I/We have not executed and ~~will not execute any agreement in conflict with this Assignment;~~

~~AND, I/WE HEREBY further covenant and agree that I/We will, without further consideration, communicate with Assignee, its successors and assigns, any facts known to me/us respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said Assignee, its successors or assigns, execute all divisional, continuation, and reissue applications;~~

SOLE/JOINT INVENTION
(Worldwide Rights)
Attorney Docket No. 7744.0061

~~make all rightful oaths and generally do everything possible to aid Assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the Assignee, its successors and assigns.~~

IN TESTIMONY WHEREOF, I ~~AW~~ have hereunto set our hands.

County of _____)
 State of _____) ss.

Name: Michael A. Ekhaus
Address: 315 Washington Avenue
Hopkins, MN 55343
By: _____
Date: _____

Subscribed and sworn to before me this _____
day of _____, 20____.

Notary Public

County of _____)
State of _____) ss.

Name: Robert Driskill
Address: 5890 - 66th Lane North
Greenfield, MN 55357
By: _____
Date: _____

Subscribed and sworn to before me this _____
day of _____, 20____.

Notary Public

County of _____)
State of _____) ss.

Name: Filip Mulier
Address: 3774 Thomas Court
Vadnais Heights, MN 55127
By: _____
Date: _____

Subscribed and sworn to before me this _____
day of _____, 2002.

Notary Public

DECLARATION AND POWER OF ATTORNEY

As used herein the term "invention" consistent with 35 U.S.C. § 100(a) and the use of the term "invention" in the below-identified application, is not intended by the below signing inventor(s) to be a representation as to the patentability or validity of any claim, pending or issued associated with the below-identified application, or associated with any divisional continuation, or reissue applications derived therefrom. The below signing inventor(s) believe that any decision as to the patentability or enforceability of any claim, pending or issued associated with the below-identified application, or associated with any divisional continuation, or reissue applications derived therefrom in the United States rests with the United States Patent and Trademark Office, or any body or court of competent jurisdiction.

As a below named inventor, I hereby declare that, my residence, post office address and citizenship are as stated below next to my name; I believe am, to the extent any invention exists, the original, first, and sole inventor (if only one name is listed below) or an original, first, and a joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD AND SYSTEM FOR HIGH PERFORMANCE MODEL-BASED PERSONALIZATION the specification of which ☐ is attached and/or ☒ was filed on June 25, 2001 as United States Application Serial No. 09/887,528 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 110(a) (4) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT international application(s) having a filing date before that of the application(s) of which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

United States Application Serial No. 09/887,528 is preceded and I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States by the provisional application(s) listed below:

Application Number	Date of Filing
60/213,528	June 23, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Number	Date of Filing	Status (Patented, Pending, Abandoned)

I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852**, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heffer, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 28,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,984; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,408; Lori Ann Johnson, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,887; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,383; Gerson S. Panitch, Reg. No. 33,751; Chen M. Taylor, Reg. No. 33,216; Charles E. van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Dons Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; and David A. Manspeizer, Reg. No. 37,540 and [Text]. Please address all correspondence to **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005, Telephone No. (202) 408-4000.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor Michael A. Ekhaus	Inventor's Signature	Date
Residence 315 Washington Avenue, Hopkins, MN 55343		Citizenship U.S.A.
Post Office Address 315 Washington Avenue, Hopkins, MN 55343		
Full Name of Second Inventor Robert Driskill	Inventor's Signature	Date
Residence 5890 66 th Lane North, Greenfield, MN 55357		Citizenship U.S.A.
Post Office Address 5890 66 th Lane North, Greenfield, MN 55357		
Full Name of Third Inventor Filip Mulier	Inventor's Signature	Date
Residence 3774 Thomas Court, Vadnais Heights, MN 55127		Citizenship U.S.A.
Post Office Address 3774 Thomas Court, Vadnais Heights, MN 55127		